

CORRESPONDENCE
FILE

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June 16, 1993

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Before the
Federal Communications Commission
Washington, D.C. 20554

In re Application of

DAVID A RINGER
et al.

For Construction Permit for
New FM Station on Channel 280A
at Westerville, Ohio

) MM Docket No. 93-107

) File Nos. BPH-911230MA et al.

TO: Administrative Law Judge
Walter C. Miller

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

OPPOSITION TO MOTION TO COMPEL

ASF Broadcasting Corporation ("ASF"), by its attorneys, hereby opposes the "Motion to Compel Against ASF", filed June 7, 1993 by Shellee F. Davis ("Davis").¹ In response to the Motion, the following is submitted:

Davis' request for supplemental production was a blanket request served upon all parties, contrary to the explicit instructions of the Presiding Judge requiring that motions, requests, etc. be directed to a single applicant. Assuming, however, that Davis' request could be treated as if it were individualized, but identical as to all applicants, the relief sought should not be granted.

¹ ASF believes the Motion was filed June 7, 1993 since that is the date on Page 7 of the Motion, notwithstanding that the Certificate of Service is dated June 6, 1993 (a Sunday). A document entitled "Errata" was dated June 8, 1993 and contained a Certificate of Service dated June 7, 1993.

Any fair reading of Davis' request for production leads to

unfair, to require an applicant to respond to a request such as Davis has submitted, by supplying, again, documents already submitted or to go through a lengthy explanation of why such documents are irrelevant in this instance.

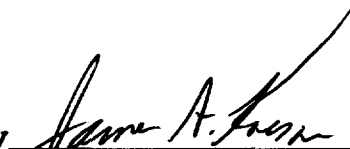
Davis' request should be recognized for what it is, a re-hash of the way discovery used to be conducted and which the Commission attempted to streamline. As far as Davis is concerned, the Commission need not have bothered.

Accordingly, it is respectfully requested that the Motion to Compel be denied.

Respectfully submitted,

ASF BROADCASTING CORPORATION

By


James A. Koerner
Attorney

CERTIFICATE OF SERVICE

I, Jeanne E. Butler, a secretary in the law offices of Baraff, Koerner, Olender & Hochberg, P. C., do hereby certify that copies of the foregoing **OPPOSITION TO MOTION TO COMPEL** were sent this 16th day of June, 1993, via first class mail, postage prepaid to the following:

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Federal Communications Commission
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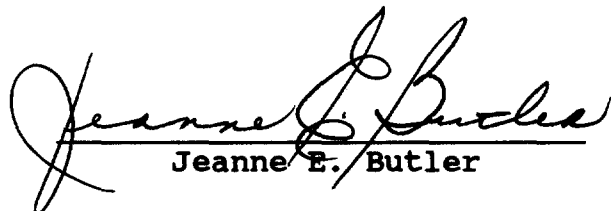
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